

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JAMES C MCGUIRE

-----  
DATE: 01/24/05      TIME: 8:30      DEPT: MPR  
-----

CASE #: MC MS00146

CASE NAME: CONSERVATORSHIP OF WALLY R. LACEFIELD

HEARING:

Hearing re: PETITION FOR ORDER TERMINATING CONSERVATORSHIP

COUNSEL:

TIMOTHY L. LACEFIELD      (PET)...STEPHEN FORD HOPKINS  
WALLY R. LACFIELD      (PCE)...CATHERINE A VINCENT

GENERAL INFORMATION:

This case is set for hearing on Accounting Review

Case also scheduled for hearing on Petition for Order Terminating Conservatorship (continued from 7-19-04) Notes below relate to Petition to Terminate. No accounting filed originally, but amended petition 9-29-04 does include one.

Continued from 10-4-04. The Court appointed Attorney Mark Mahoney for conservatee to determine if the Conservatorship is no longer required.

Continued again from 11-8-04 per stipulation. Nothing new filed.

Continued from 12-13-04. Continuance requested

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Court suspended powers on 1-26-04.
2. No I & A Filed. Conservatorship of estate was granted on 7-21-03 (temporary previously in place) with \$100,000 bond. Estate had value of over \$300,000. **I & A filed on 12-9-04. Need explanation as to why copy was filed, rather than original. Also need to file the bank and investment statements, per local rule.**

3. Motion to terminate on basis of letter from doctor that Conservatorship no longer necessary. CI report from last year indicates that conservatee was suffering from heart disease, prostate cancer, dementia, paranoia, hallucination and several strokes. Termination of Conservatorship needs to be treated in same manner as civil trial, with admissible evidence. Letter from doctor is not admissible.
4. Providing some bank statements, but fails to provide complete accounting. If at one time there was over \$300,000, why is there only \$63,000 now? Where is the rest? Need to provide full accounting in proper form. **I & A shows assets of \$550,689.34.**
5. Need to file Notice of Hearing and Proof of Service on conservatee and also special notice request.
6. Amended Petition for Termination filed on 9-29-04 which does provide an accounting. This accounting only goes to 1-24-04. Need to file supplement to explain the following items:
  - a. Why pay for airline tickets for Jim and Sandy Lacefield?
  - b. Explain visit expenses, rental cars, gas charges
  - c. Hotel for Bobbie Lacefield
  - d. Why all the moves for the conservatee (to several different facilities)
  - e. Why 2 pair of eyeglasses in less than 2 months
  - f. Cash withdrawals with no further explanation \$400
  - g. Why are the Washington Mutual IRA dividends a disbursement?
7. Need to file notice of hearing and proof of service as to Amended Petition. Conservatee and his newly appointed counsel will need to review to see if there are any objections.
8. Letters from doctors are not evidence. There was a capacity declaration filed, executed by Dr. Fennell on 8-19-04, in which it is stated that the conservatee does have the capacity to give informed consent.
9. Even though powers suspended, did the conservator spend any additional funds on conservatee? If Petition to Terminate is granted, there will need to be a final accounting from January 2004 to present.
10. Need original bank statements from Union Bank. There are some printouts provided, but there is no verification as to which bank account and the authenticity. Also, there is a question as to the names on the account. Why are there accounts in name of June Lacefield? Where are the World Savings Bank statements?
11. Need verified supplement explaining the difference between the first report provided (incomplete accounting, did not list all bank accounts, did not list all income/receipts received) and the Amended one. Why wasn't this information provided the first time?

#### RECOMMENDATION:

Need attorney report. Need to resolve question of whether the Conservatorship should be terminated. Court may also wish to transfer the matter to the appropriate court (Santa Barbara County) as it appears that the conservator and conservatee both live there.

There are several issues to be resolved regarding the first accounting and even if approved, the conservator cannot be discharged and his bond cannot be exonerated. (The proposed order cannot be signed). The accounting does not bring the conservatee up to date as to his finances and does not provide information as to the current state of accounts. Court will need a second & final accounting and will need to set a hearing date once the first accounting is resolved.

As to first accounting, need notice, need verified supplement and ALL original bank statements. Need attorney report as to any objections on accountings by conservatee.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JAMES C MCGUIRE

-----  
DATE: 01/24/05      TIME: 8:30      DEPT: MPR  
-----

CASE #: MC MS4

CASE NAME: IN THE MATTER OF DUANE J MORRETT

HEARING:

Hearing Re: Review/Filing of Status Report.

COUNSEL:

EMERAL D MORRETT	(PET)...D M DAVIS
DUANE J MORRETT	(CPE)...GREGORY P JOHNSON

GENERAL INFORMATION:

This case is set for hearing on Review/Status Report relating to the placement of the conservatee in a locked facility. Court appointed Attorney Johnson to file report on findings.

Continued from 12-6-04

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Report of Attorney Johnson indicates that there is an issue re: placement which needs to be corrected. The conservator must have dementia powers or the Court must order that the conservatee be moved.
2. On 10-25-04, Court ordered that the conservator file for dementia powers. On 1-6-05, petitioner filed amendment requesting dementia treatment. Need to file proof of service of amendment.
3. Need to file medical capacity declaration.

RECOMMENDATION:

Need to proceed with dementia petition, notice and declaration required. Counsel has already been appointed for the conservatee.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JAMES C MCGUIRE

-----  
DATE: 01/24/05      TIME: 8:30      DEPT: MPR  
-----

CASE #: MG MS00087

CASE NAME: IN THE MATTER OF MARISA ANTONIETTA CAMINITI

HEARING:  
Accounting Review

	COUNSEL:
MARISA A CAMINITI	(MIN)...
LORI LYLE	(PET)...PRO/PER

GENERAL INFORMATION:

This case is set for hearing on 4<sup>th</sup> Account of Guardian, minor is 9  
Continued from 12-6-04. Additional documents filed.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Guardian is not seeking a fee. No attorney involved, too.
2. The accounting shows that the guardian takes a \$375 per month living expense plus a \$100 per month child care expense.
3. It appears that the parent/guardian is also requiring the child to pay for all of her own expenses, such as school clothes, dental expenses, medical bills, Halloween costumes, etc. The parent has a legal obligation to support the child. As the parent has been taking, in essence, a monthly stipend of \$475 for general living expenses, is it necessary that the minor also pay for these other items? File verified supplement explaining why the minor has been paying her own daily expenses. **Supplement filed indicating that this has been the approved method in the past, but that the guardian would adjust as the court orders. Court to consider whether to continue this method, or perhaps to just allow a higher stipend with less accounting. See suggestion at the end of note 6.**
4. The mother already owes her daughter \$765.19. File supplement regarding plan to repay this debt. **Supplement filed. Intends to have payroll deduction of \$50 per month to go her daughter's account. Court may**

**wish to set review date in the next few months to make sure that the deduction is actually occurring.**

5. Need to file original bank statements for the 3 blocked accounts at Bank of America: 07563-01105; 07560-01645; and 07561-00673. **Filed some bank statements, but need to file the statements for May 2004. Last statement filed was for December 2003.**
6. Guardian requesting that \$11,000 be placed in blocked account. This would appear to be a good idea (see note 3 & 4). Court may wish to determine a fair amount that should be given to the guardian out of the minor's income which need not be accounted for (other than the general amount) and then order the guardian to no longer charge the minor for her incidental expenses. Minor's income from Social Security & VA totals \$951 per month. (The Court may wish to allow the guardian the SS benefits of \$541 and then require that the VA benefits of \$410 be paid directly to a blocked account, depending upon the circumstances of the minor.)

**RECOMMENDATION:**

Need May 2004 bank statements. Court has previously dispensed with bond due to the limited financial resources of the guardian.

Once approved, will need to set hearing for 5<sup>th</sup> Accounting for 12-4-06.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JAMES C MCGUIRE

-----  
DATE: 01/24/05      TIME: 8:30      DEPT: MPR  
-----

CASE #: MG MS00381

CASE NAME: GUARDIANSHIP OF AMANDA M COSNER

HEARING:

Petition for Appointment of Guardian

COUNSEL:

BRIAN MONTES                      (PET)...PRO/PER  
GINA R LARA-MONTES              (PET)...PRO/PER  
AMANDA M COSNER              (MIN)...  
DEPARTMENT OF CHILDRENS SERVIC(AGN)...

GENERAL INFORMATION:

This case is set for hearing on Petition for Guardianship, person only, by non-relative ("second cousin"), minor 10

Continued from 10-25-04. Parents appeared at that hearing, along with petitioner. Minor was allowed to stay with petitioner on temporary basis and that mother was not allowed to remove minor.

Continued from 12-6-04. Mother and father present, along with petitioner. Parties to work out visitation schedule

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner was not truthful, under penalty of perjury, regarding her prior arrest record. See Cletts report.
2. Will need DCS report, as petitioners are not considered close enough "relatives" under the Probate Code. **Still waiting for report.**
3. Temporary letters denied on 9-28-04.
4. Mother is alleged to be in State rehabilitation facility and father recently discharged from State facility and is in a "sober living" location.
5. **Need to file proof of mailed service on CI, DCS, PGM Bonnie Cosner and MGF Frank Savage and sibling Melissa Cosner.**

RECOMMENDATION:

Need to clear notes. (notice & DCS)

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JAMES C MCGUIRE

-----  
DATE: 01/24/05      TIME: 8:30    DEPT: MPR  
-----

CASE #: MPRMS00105

CASE NAME: IN THE ESTATE OF DEBORAH FAY FOSTER

HEARING:

Accounting Review

COUNSEL:

DENNIS R FOSTER                      (PET)...DONNASUE SMITH-ORTIZ  
DEBORAH FAYE COLLINS              (DEC)...  
DEBORAH FAY FOSTER                (DEC)...

GENERAL INFORMATION:

This case is set for hearing on 7<sup>th</sup> Status Report

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1.      Need to file proof of service and notice of hearing. Notice must include the required language from PC 12201.
2.      Expectation that estate can close in 60 days as real property has been sold.

RECOMMENDATION:

Need proper notice of the status report. Once that is filed. continue accounting review to 5-23-05. Accounting to be filed 30 days in advance.



CIVCAL4

HONORABLE JUDGE JAMES C MCGUIRE

-----  
DATE: 01/24/05      TIME: 8:30    DEPT: MPR  
-----

CASE #: MPRMS00572

CASE NAME: IN THE ESTATE OF JOHN BUD MCGARITY

HEARING:  
Accounting Review

COUNSEL:  
HART PONDER                      (PET)...D M DAVIS  
JOHN BUD MCGARITY              (DEC)...

GENERAL INFORMATION:

This case is set for hearing on Accounting Review  
Court approved the Fourth Accounting on 10-25-04 for the period ending June 30, 2002.  
Fifth Accounting due from July 1, 2002 forward.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Not filed yet.

RECOMMENDATION:  
Need status.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JAMES C MCGUIRE

-----  
DATE: 01/24/05      TIME: 8:30    DEPT: MPR  
-----

CASE #: MPRMS00830

CASE NAME: ESTATE OF DAWNE M. LIGMAN

HEARING:

OSC re: Why Accounting Not Filed

COUNSEL:

WALTER JOHN LIGMAN IV      (PET)...DUNKLEY MARTINEZ, MURPHY,& SWA  
DAWNE M. LIGMAN              (DEC)...

GENERAL INFORMATION:

This case is set for hearing on OSC re: Final Accounting

This hearing was set on 6-14-04 following the 2<sup>nd</sup> Report of Executor. Executor needed additional time to close estate due to need to amend the I & A.

Continued from 12-13-04. Court ordered sanctions against Attorney Linda Murphey in the amount of \$1000 as nothing was filed.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1.      Accounting not filed.
2.      Sanctions not paid.
3.      Notice sent by clerk on 12-15-04.

RECOMMENDATION:

Court should suspend powers of the administrator, Walter Ligman III and issue citation, have it personally served, for failure to file the final accounting. OSC re: Removal, Surcharge and Sanctions.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JAMES C MCGUIRE

-----  
DATE: 01/24/05      TIME: 8:30      DEPT: MPR  
-----

CASE #: MPRMS00980

CASE NAME: THE MATTER OF THOMAS EDWARD ROCK

HEARING:

OSC re: Final Discharge

COUNSEL:

NANCY R WORKS	(PET)...	DONAHUE, MCINTOSH AND HAMMERTON
THOMAS EDWARD ROCK	(DEC)...	
CATHERINE TAFOLLA	(OBJ)...	PRO/PER

GENERAL INFORMATION:

This case is set for hearing on Final Discharge

Continued from 12-6-04. Still needed receipts from two beneficiaries: Maria and Catherine. Issue was transfer of shotgun and rifle. Declaration filed that the shotgun and the rifle were delivered to Fowler Gun Room in Orange to facilitate transfer (and legal gun ownership requirements). Maria has signed receipt. Catherine has not signed receipt. Declaration states that Catherine is not co-operating, even though the guns have been transferred. The paperwork filed indicates that the shotgun and rifle were delivered, and therefore it would appear that the administrator has done her duty towards the beneficiary.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Court can accept declaration in lieu of receipt. If Catherine does appear at court on this issue, she may be able to provide information as to why the administrator should not be discharged at this time.

RECOMMENDATION:

None

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JAMES C MCGUIRE

-----  
DATE: 01/24/05      TIME: 8:30    DEPT: MPR  
-----

CASE #: MPRMS01045

CASE NAME: ESTATE OF THOMAS CUMMINS GLASCOCK

HEARING:

Hearing re: REPORT OF EXECUTOR, WAIVER OF ACCOUNT & COMMISSION

COUNSEL:

RICHARD G GLASCOCK      (PET)...EDWARD A GRAHAM  
MICHAEL H GLASCOCK      (PET)...EDWARD A GRAHAM  
THOMAS CUMMINGS GLASCOCK    (DEC)...

GENERAL INFORMATION:

This case is set for hearing on Waiver of Accounting

Continued from 10-25-04 to allow for correction of distribution (see note 1)

Continued from 12-6-04. No appearance. Nothing new filed.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. The distribution request does not match the Will provisions. According to the Will, the estate was to go to decedent's trust (Pour Over Will). The report requests distribution directly to the beneficiaries, presumably of the trust. Please file verified supplement explaining the proposed distribution.
2. Richard Glascock is named as the successor trustee, and he would have the power to waive the accounting. Since he is also the executor, then there is a valid waiver of accounting.
3. Executor waiving statutory commission.
4. Attorney requesting statutory commission of \$1397.05. This figure was calculated using the old statutory fee schedule. Does attorney intend to waive current statutory fee of \$1662.74? Per M.O. 10-25-04, the fee was amended to \$1662.74.

RECOMMENDATION:

Need to clear note 1. Once approved, need to set hearing for filing of receipts and final discharge for 10-24-05.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JAMES C MCGUIRE

-----  
DATE: 01/24/05      TIME: 8:30    DEPT: MPR  
-----

CASE #: MPRMS01131

CASE NAME: Estate of BRENDA McCLINTOCK

HEARING:

Hearing re: PET'N FOR DISTRIBUTION ON WAIVER OF ACCOUNT

COUNSEL:

OLIVER GERALD LOUER      (PET)...PRO/PER  
BRENDA MCCLINTOCK      (DEC)...

GENERAL INFORMATION:

This case is set for hearing on Petition for Distribution on Waiver of Account

Continued from 10-18-04

Continued from 12-13-04

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. The Will pours over to the Trust. The beneficiary under the Will is the trustee (now successor trustee, Mr. Louer). Therefore, as the beneficiary and the executor, he could waive the accounting. Court should therefore approval the waiver of the accounting.
2. Instead of giving the money to the trustee, the executor has distributed the money directly to the trust beneficiary, Margaret Shellhammer. There is a potential problem here involving the distribution of all assets to Ms. Shellhammer, as the Trust provides that a leather business is to go to Red Cloud Indian School. These assets were sold in contravention of the terms of the trust. Supplement filed by Mr. Louer indicating that as the business was not part of the trust, there was no gift for Red Cloud Indian School. However, there was a sale of leather items from the business, netting the estate \$5596. **Further supplement filed as to why it was not a "business" at the time. Supplement also asserts that since there was no business in the trust at time of death, that there was nothing to distribute. However, since this was a pour over will, any asset owned by the decedent became a trust asset via the will.**

3. **Questions as to whether the trustee properly distributed the money are not before the Court at this time, as the only issue is the final distribution from the estate to the sole beneficiary – the trust. If a party believes that the trust was improperly distributed, then a proper petition must be filed.**
4. **Need to file new proposed order distributing property to trustee on behalf of trust.**

**RECOMMENDATION:**

Waiver of Accounting may be approved with new order showing that the estate was distributed to the trust, and not the eventual trust beneficiary(ies). Court will then need to set a hearing for filing of receipts and final discharge order. The Final Distribution Order must be recorded, as the estate contains real property to be distributed to the trust. Set Final Discharge hearing for 7-11-05.



CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JAMES C MCGUIRE

-----  
DATE: 01/24/05      TIME: 8:30      DEPT: MPR  
-----

CASE #: MPRMS01228

CASE NAME: ESTATE OF EDWARD A. CATES

HEARING:

Hearing re: WAIVER OF ACCOUNTING, REPORT & FINAL DISTRIBUTION

COUNSEL:

JON MICHAEL HATTON      (PET)...IRA N TUCK  
EDWARD A. CATES      (DEC)...

GENERAL INFORMATION:

This case is set for hearing on Waiver of Accounting

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Three beneficiaries filed waiver of accounting (the three daughters of decedent). The petition indicates that there are three daughters. Current petition indicates that mistake was made and that one was not a daughter, but a niece. OK, absent objection by Linda (i.e., that she really is daughter or in some other way entitled to inherit)
2. Administrator requests statutory commission of \$5545.11. OK
3. Attorney requesting statutory fee of \$5545.11. OK

RECOMMENDATION:

RFA. Once approved, set hearing for filing of receipts and final discharge for 1-23-06.



CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JAMES C MCGUIRE

-----  
DATE: 01/24/05      TIME: 8:30    DEPT: MPR  
-----

CASE #: MPRMS01274

CASE NAME: ESTATE OF PATRICIA J LARSEN

HEARING:

Hearing re: PETITION FOR WAIVER OF APPRAISAL BY PROB REFEREE

COUNSEL:

DAN LARSEN JR	(PET)...PRO/PER
PATRICIA J LARSEN	(DEC)...

GENERAL INFORMATION:

This case is set for hearing on Petition for Waiver of Appraisal by Probate Referee, PC 8903

Continued from 12-6-04 to give notice to probate referee. Done

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Court may grant waiver for good cause.
2. Petitioner asks for waiver of referee for value of shares of Exxon stock. Petitioner believes value is \$691,2000. Petition fails to state good cause for the waiver. **Supplement filed. States that "good cause" is that the interested parties have agreed upon a value. This reason doesn't appear to relate to good cause to waive the requirement, but more so as to whether the value chosen is appropriate.**

RECOMMENDATION:

Court to determine if there is good cause to waive.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JAMES C MCGUIRE

-----  
DATE: 01/24/05      TIME: 8:30    DEPT: MPR  
-----

CASE #: MPRMS01282

CASE NAME: MATTER OF THOMAS MCCABE

HEARING:

Petition to determine succession to Real Property

COUNSEL:

JACQUELYN MCCABE	(PET)...	D. HERSHEL W ILSON
THOMAS MCCABE	(DEC)...	

GENERAL INFORMATION:

This case is set for hearing on Petition to Determine Succession

Continued from 12-6-04. No appearance. Minutes sent to party. Nothing new filed.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Need to complete box 9a3 re: predeceased children
2. Why was the I & A marked "Supplemental"? Are there more assets of the estate? File verified supplement.
3. The proposed order must include the beneficiary's address.

RECOMMENDATION:

Need supplement

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JAMES C MCGUIRE

-----  
DATE: 01/24/05      TIME: 8:30    DEPT: MPR  
-----

CASE #: MPRMS01284

CASE NAME: MATTER OF THELMA K. BENTON

HEARING:

Petition to determine succession to Real Property

COUNSEL:

WALTER R BENTON	(PET)...	MARK S MAHONEY
THELMA K BENTON	(DEC)...	

GENERAL INFORMATION:

This case is set for hearing on Petition to Determine Succession  
Continued from 12-13-04. Supplement filed correcting problem.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. None

RECOMMENDATION:

RFA. Did not submit proposed order. Note to attorney: order must include the beneficiary's address or it will be returned.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JAMES C MCGUIRE

-----  
DATE: 01/24/05      TIME: 8:30    DEPT: MPR  
-----

CASE #: MPRMS01298

CASE NAME: ESTATE OF PATRICIA ANN WHITE

HEARING:

Petition for Letters of Admin. W/ Full Authority under IAEA.

COUNSEL:

MARY E SLABINSKI      (PET)...IGNAZIO  
PATRICIA ANN WHITE      (DEC)...

GENERAL INFORMATION:

This case is set for hearing on Petition for Letters of Administration, full authority

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1.      Need to file proof of due publication.
2.      Requesting \$50,000 bond. OK

RECOMMENDATION:

RFA subject to 1. Once approved, set hearing for filing of Inventory & Appraisal for 7-11-05. Set hearing for filing of accounting and/or status report for 3-27-06. Accountings to be filed 30 days in advance.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JAMES C MCGUIRE

DATE: 01/24/05      TIME: 8:30      DEPT: MPR

-----

CASE #: MPRMS01300

CASE NAME: MATTER OF VIVIAN M. BUCHNER

HEARING:

Petition to determine succession to Real Property

COUNSEL:

MARK L BUCHNER      (PET)...PRO/PER

VIVIAN M BUCHNER      (DEC)...

GENERAL INFORMATION:

This case is set for hearing on Petition to Determine Succession

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1.      Need to file proof of service on notice of hearing as to all persons listed in Section 14. (relatives)

RECOMMENDATION:

RFA subject to 1.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JAMES C MCGUIRE

-----  
DATE: 01/24/05      TIME: 8:30    DEPT: MPR  
-----

CASE #: MPRMS01301

CASE NAME: MATTER OF GEORGE NICOLS

HEARING:

Petition to determine succession to Real Property

COUNSEL:

DRUCILLA NICOLS WOLFF      (PET)...IGNAZIO  
GOERGE NICOLS              (DEC)...

GENERAL INFORMATION:

This case is set for hearing on Petition to Determine Succession

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

None

RECOMMENDATION:

RFA

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JAMES C MCGUIRE

-----  
DATE: 01/24/05      TIME: 8:30    DEPT: MPR  
-----

CASE #: MPRMS01302

CASE NAME: ESTATE OF REYNALDO C. GARCIA

HEARING:

Petition for Probate, Letters of Tstmnty with full authority  
under IAEA.

COUNSEL:

IRMA BARTON	(PET)...	DANIEL C. SEVER
CECILIA G RODRIGUEZ	(PET)...	DANIEL C. SEVER
REYNALDO C GARCIA	(DEC)...	

GENERAL INFORMATION:

This case is set for hearing on Petition for Probate, with full authority

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Will states: "Sell property under supervision of Irma Barton and my sister Cecilia Rodriguez." Will does not call them executors. Under PC 8421, if a person is not named as an executor in a will, but if it appears by the terms of the will that the testator intended to commit the execution of the will and the administration of the estate to the person, the person is entitled to appointment as personal representative in the same manner as if named as executor. JTD (If determines 8421 does not apply, then Petition will need to be amended to indicate status as administrator with will annexed)
2. All beneficiaries waive bond. However, as one of the co-executors resides outside of the State of California, court has discretion to require a bond. JTD
3. Need to file proof of due publication.

RECOMMENDATION:

RFA subject to 3 and court's determination of 1 & 2. Once approved, set hearing for filing of Inventory & Appraisal for 7-11-05. Set hearing for filing of accounting and/or status report for 3-27-06. Accountings to be filed 30 days in advance.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JAMES C MCGUIRE

-----  
DATE: 01/24/05      TIME: 8:30    DEPT: MPR  
-----

CASE #: MPRMS01304

CASE NAME: ESTATE OF ROBERT O. HEFNER

HEARING:

Petition for Letters of Admin. W/ Full Authority under IAEA.

COUNSEL:

ROY D HEFNER	(PET)...	ALAN H CASSMAN
ROBERT O HEFNER	(DEC)...	

GENERAL INFORMATION:

This case is set for hearing on Petition for Letters of Administration, with full authority

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1.      Need to file proof of due publication.
2.      Need to complete box 4g re: resident of US.
3.      All heirs have waived bond.

RECOMMENDATION:

RFA subject to 1 & 2. Once approved, set hearing for filing of Inventory & Appraisal for 7-11-05. Set hearing for filing of accounting and/or status report for 3-27-06. Accountings to be filed 30 days in advance.